

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Complaint,

of

ENERGETIC TANK, INC.,
as Owner of the M/V ALNIC MC,
for Exoneration from or Limitation of
Liability

Case No. 1:18-cv-1359 (PAC)

[REDACTED] DISCOVERY ORDER

After considering the submissions of the parties and arguments of counsel concerning the status of discovery and the pre-discovery dispute submissions regarding Claimants Delando Beckford and Clember Miranda, and pursuant to the Court's orders during its status conference with the parties on May 15, 2024, the Court hereby finds and **ORDERS** as follows:

1. Claimant Delando Beckford has to date failed to make himself available to complete psychological testing or a psychiatric Independent Medical Examination (IME) by Petitioner's psychology and psychiatry experts. Given the nature of the claims he has asserted in this proceeding, Petitioner is entitled to conduct psychological testing and a psychiatric IME of Mr. Beckford. These items should have already been completed at this stage in proceedings. Accordingly, Mr. Beckford is **ORDERED** to make himself available to complete his psychological testing and psychiatric IME by no later than July 31, 2024. Mr. Beckford's failure to complete his psychological testing and psychiatric IME by July 31, 2024 may result in the dismissal of his claim by the Court.
2. Claimant Clember Miranda has to date failed to make himself available to complete a psychiatric IME by Petitioner's psychiatry experts. Given the nature of the claims he has

asserted in this proceeding, Petitioner is entitled to conduct a psychiatric IME of Mr. Miranda. This examination should have already been completed at this stage in proceedings. Accordingly, Mr. Miranda is **ORDERED** make himself available to complete his psychiatric IME by no later than August 15, 2024. Mr. Miranda's failure to complete his psychiatric IME by August 15, 2024 will result in dismissal of his claim by the Court.

3. The deadline for completion of all fact and expert discovery in this matter shall be September 30, 2024.

Signed this 22nd day of May, 2024.


Hon. LORETTA A. PRESKA
Senior United States District Judge